

Adopted	Rejected
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COMMITTEE REPORT

YES:	9
NO:	0

MR. SPEAKER:

*Your Committee on Interstate and International Cooperation, to which was referred Senate Bill 529, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 1, line 9, delete "under section 9 of this chapter," and insert ",".
- 2 Page 2, delete lines 2 through 9.
- 3 Page 2, line 10, delete "5. (a) "Construction" or "construction
- 4 activity"" and insert "**3. (a) As used in this chapter, "construction"**".
- 5 Page 2, line 17, delete "6." and insert "**4.**".
- 6 Page 2, between lines 19 and 20, begin a new paragraph and insert:
- 7 "**Sec. 5. As used in this chapter, "guidelines" refers to a nonrule**
- 8 **policy document adopted by the division that establishes voluntary**
- 9 **guidelines to be considered by a pipeline company that proposes to**
- 10 **construct a pipeline that will be located, in whole or in part, in**
- 11 **Indiana.**".
- 12 Page 2, line 20, delete "7." and insert "**6.**".
- 13 Page 2, line 24, delete "8." and insert "**7.**".
- 14 Page 2, delete lines 36 through 42, begin a new paragraph and

1 insert:

2 **"Sec. 8. (a) The division shall establish voluntary guidelines to**
 3 **be considered by a pipeline company that proposes to construct a**
 4 **pipeline that will be located, in whole or in part, in Indiana."**

5 Delete pages 3 through 4.

6 Page 5, delete lines 1 through 40.

7 Page 5, line 41, delete "(c) The guidelines" and insert **"(b)**
 8 **Guidelines"**.

9 Page 5, line 41, delete "under subsection (a)".

10 Page 5, line 42, delete "shall" and insert **"are"**.

11 Page 5, line 42, delete "be".

12 Page 6, delete lines 7 through 35.

13 Page 6, line 36, delete "10." and insert **"9."**.

14 Page 7, line 19, delete "under" and insert ".".

15 Page 7, delete line 20.

16 Page 7, line 26, delete ", as determined by the" and insert **"on the**
 17 **list provided by the pipeline company"**.

18 Page 7, line 27, delete "division".

19 Page 7, line 27, delete "11(a)" and insert **"10"**.

20 Page 7, delete lines 32 through 42.

21 Page 8, delete lines 1 through 13.

22 Page 8, delete lines 24 through 35, begin a new paragraph and
 23 insert:

24 **"Sec. 10. (a) The pipeline company shall provide the division**
 25 **with a list of landowners that will be affected by the proposed**
 26 **construction of a pipeline or a segment of a pipeline in Indiana.**
 27 **The list must include all affected landowners that the pipeline**
 28 **company must provide notice to under IC 32-24-1-3(g)."**

29 Page 8, line 39, delete "under section 9 of this chapter." and insert
 30 ".".

31 Page 9, line 2, delete ":".

32 Page 9, line 3, delete "(i)".

33 Page 9, line 4, delete "; and" and insert ".".

34 Page 9, delete lines 5 through 17.

35 Page 9, run in lines 2 through 18.

36 Page 9, line 23, delete "(D)" and insert **"(C)"**.

37 Page 9, line 31, delete "(E)" and insert **"(D)"**.

38 Page 9, line 36, delete "(F)" and insert **"(E)"**.

Page 10, line 3, delete ":" and insert **"the division is notified by the pipeline company of the proposed route and is provided with a list of the affected landowners as required by subsection (a)."**.

Page 10, delete lines 4 through 10, begin a new paragraph and insert:

"Sec. 11. The division shall encourage pipeline companies to use the guidelines as a starting point for any negotiations with the various state agencies identified in the guidelines. The division may require a pipeline company proposing to construct a pipeline or a segment of a pipeline to sign a statement indicating whether or not the pipeline company agrees to use the guidelines for the project.".

Page 10, line 30, delete "under" and insert ".".

Page 10, delete line 31.

Page 11, line 14, delete "under section 9 of this" and insert **"by the division"**.

Page 11, line 15, delete "chapter".

Page 11, line 15, delete "amended or repealed" and insert **"revised or superseded"**.

Page 12, line 24, delete "IC 8-1-22.6-8)" and insert **"IC 8-1-22.6-7)"**.

Page 12, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 3. [EFFECTIVE UPON PASSAGE] (a) The definitions in IC 8-1-22.6, as added by this act, apply throughout this SECTION.

(b) Not later than September 1, 2007, the division shall publish a nonrule policy document in the Indiana Register that establishes voluntary guidelines to be considered by a pipeline company that proposes to construct a pipeline that will be located, in whole or in part, in Indiana. The division shall consider including, but not be limited to including, the following topics in the nonrule policy document:

(1) Minimum depth for burying pipeline based on topography and use of land.

(2) Replacing topsoil and subsoil removed during excavation or construction, or both, on agricultural land and other land.

(3) Removal of construction debris from topsoil and landowner property.

(4) Prevention of topsoil erosion.

1 **(5) Alleviation of topsoil compaction.**

2 **(6) Prevention and remediation of damages to underground**
 3 **drainage tile during construction and future maintenance.**

4 **(7) Restoring land to preconstruction condition (elevation and**
 5 **contour).**

6 **(8) Compensating landowners for property damage due to**
 7 **pipeline construction or maintenance.**

8 **(9) Providing advance notice before pipeline companies enter**
 9 **private property for inspection, construction, or maintenance.**

10 **(10) Indemnification of landowners against damages caused**
 11 **by pipeline company construction, maintenance, operation,**
 12 **repair, or use of the pipeline on the landowner's property,**
 13 **except for claims or damages arising from the negligent,**
 14 **intentional, or willful acts or omissions of the landowner.**

15 **(11) Providing a list of the designated state agencies that will**
 16 **be working with the pipeline company on the various aspects**
 17 **of the pipeline company's application to obtain a Certificate**
 18 **of Public Convenience and Necessity from the Federal Energy**
 19 **Regulatory Commission.**

20 **(c) The division shall develop the guidelines through a public**
 21 **process. Notice must be published in the Indiana Register and all**
 22 **interested parties must have an opportunity to comment on the**
 23 **proposed guidelines.**

24 **(d) In adopting the guidelines under this SECTION, the division**
 25 **may consult with other states, or agencies of other states, that have**
 26 **adopted similar guidelines for the construction of pipelines. The**
 27 **division may also consult with any of the following:**

28 **(1) Other state agencies in Indiana.**

29 **(2) Any political subdivisions in Indiana in which pipelines are**
 30 **located or proposed to be located.**

31 **(3) Public utilities, municipally owned utilities, or**
 32 **cooperatively owned utilities.**

33 **(4) Pipeline companies.**

34 **(5) Organizations representing agricultural interests in**
 35 **Indiana.**

36 **(6) Other individuals or organizations that have an interest in,**
 37 **or are knowledgeable about, pipelines or pipeline**
 38 **construction.**

1 (e) Notwithstanding IC 8-1-22.6, as added by this act, a
2 provision of IC 8-1-22.6, as added by this act, that imposes a duty
3 related to the guidelines developed under this SECTION applies to
4 pipeline companies and the division only after the finally adopted
5 guidelines are published in the Indiana Register.

6 (f) This SECTION expires September 1, 2007."

7 Renumber all SECTIONS consecutively.

(Reference is to SB 529 as reprinted February 26, 2007.)

and when so amended that said bill do pass.

Representative Harris E